COURT NO. 1

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION NO. 1124 OF 2005 (M/B)

Smt. Renu Rani W/o Sri Pramod Kumar Sharma,
R/o Ward No. 02, Near Police Station Gadarpur,
District Udham Singh Nagar.

..... **Petitioner**

Versus

1. State of Uttaranchal through District Magistrate, Udham Singh Nagar
2. Tehsildar Gadarpur, District Udham Singh Nagar

..... **Respondents**

Shri Vinay Kumar, Advocate for the petitioner.
Learned standing counsel for the respondents.

Dated: February 15, 2006

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble P.C. Verma, J.

The petitioner has filed this petition for the following reliefs: -

A. To issue a writ, order or direction in the nature of Mandamus directing the respondents to issue the Permanent Resident Certificate in the name of the petitioner.

B. To issue any suitable writ, order or direction of any nature which this Court may deem fit and proper in the present circumstances of the case.

C. To award the cost of the writ petition in favour of the petitioner.

2. The petitioner claims that she is the permanent resident of Village Masit, Tehsil Gadarpur, District Udham Singh Nagar.

3. In the counter affidavit filed on behalf of the respondents, it has categorically been pleaded that the petitioner after her marriage is residing at Bijnaur. In support of the above plea, the respondents have filed Annexure C.A.3, the certificate issued by Councilor, Municipal Board, Bijnaur and Annexure C.A.4, a copy of the voter list wherein the petitioner's name is included at Serial No.564.

4. From the pleadings of the parties, it is apparent that without resolving the disputed questions of fact, the relief sought by the petitioner in the petition cannot be granted.

5. In this view of the matter, we decline to exercise jurisdiction under Article 226 of Constitution of India. The petitioner, if advised, may file a civil suit for the reliefs sought in this petition.

6. With the above observation, the petition stands disposed of.

(P.C. Verma, J.) **(Rajeev Gupta, C.J.)**
15.02.2006 **15.02.2006**

Rajeev Dang